

FILED

MAY 16 2008

CLERK  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

JOSEPH P. RUSSONIELLO  
United States Attorney  
450 Golden Gate Ave (11<sup>th</sup> Floor)  
San Francisco, CA 94102  
Telephone: (415) 436-7200

Attorneys for the United States

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ricardo Flamingo Sainz

Defendant.

CRIMINAL NO. 08-4j-70287PVT

NOTICE OF PROCEEDINGS ON  
OUT-OF-DISTRICT CRIMINAL  
CHARGES PURSUANT TO RULES  
5(c)(2) AND (3) OF THE FEDERAL RULES  
OF CRIMINAL PROCEDURE

Please take notice pursuant to Rules 5(c)(2) and (3) of the Federal Rules of Criminal  
Procedure that on 5/16/08, the above-named defendant was arrested based upon an  
arrest warrant (copy attached) issued upon an

☒ Indictment ☐ Information ☐ Criminal Complaint ☐ Other  
pending in the Eastern District of Sacramento Case Number 06-CR-0496

In that case, the defendant is charged with a violation(s) of Title(s) 18 United States Code,  
Section(s) 371.

Description of Charges: conspiracy to commit bank fraud and credit  
application fraud; credit application fraud; bank fraud; aggravated  
identity theft; and misuse of social security number.

Respectfully Submitted,  
JOSEPH P. RUSSONIELLO  
UNITED STATES ATTORNEY

Date: 5-16-08

  
Assistant U.S. Attorney



Case 2:06-cr-00496-EJG Document 1 Filed 12/07/2006 Page 1 of 10

1 MCGREGOR W. SCOTT  
 2 United States Attorney  
 3 MICHELLE RODRIGUEZ  
 4 Assistant U.S. Attorney  
 5 501 I Street, Suite 10-100  
 6 Sacramento, California 95814  
 7 Telephone: (916) 554-2700

**FILED**

DEC -7 2006

CLERK, U.S. DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA  
 BY TS DEPUTY CLERK

8 IN THE UNITED STATES DISTRICT COURT FOR THE  
 9 EASTERN DISTRICT OF CALIFORNIA

10 **206-CR-0496 EB**  
 11 UNITED STATES OF AMERICA, ) CR. NO.

12 Plaintiff, )

13 v. )

14 NORA ANN SAINZ,  
 15 RICARDO FLAMINGO SAINZ,

16 Defendants. )

17 ) VIOLATIONS: 18 U.S.C. §§ 371,  
 ) 1014, 1344(2) - Conspiracy to  
 ) Commit Bank Fraud and Credit  
 ) Application Fraud; 18 U.S.C. §  
 ) 1014 - Credit Application Fraud;  
 ) 18 U.S.C. § 1344(2) - Bank Fraud  
 ) (4 counts); 18 U.S.C. §  
 ) 1028A(a)(1) - Aggravated Identity  
 ) Theft (4 counts); 42 U.S.C. §  
 ) 408(a)(7)(B) - Misuse of a  
 ) Social Security Number (3 counts)

18 **INDICTMENT**

19 COUNT ONE: [18 U.S.C. §§ 371, 1014, 1344(2) - Conspiracy to  
 20 Commit Bank Fraud and Credit Application Fraud]

21 The Grand Jury charges:

22 NORA ANN SAINZ, and  
 23 RICARDO FLAMINGO SAINZ,

24 defendants herein, as follows:

25 1. Beginning on or about January 18, 2002 and continuing  
 26 through December 7, 2006, within the Eastern District of California  
 27 and elsewhere, defendants NORA ANN SAINZ and RICARDO FLAMINGO SAINZ  
 28 did knowingly combine, conspire, confederate, and agree with each  
 other and others known and unknown to the grand jury, (a) to

Case 2:06-cr-00496-EJG Document 1 Filed 12/07/2006 Page 2 of 10

1 execute a scheme and artifice to obtain the moneys and funds owned  
2 by and under the custody and control of a federally insured  
3 financial institution, to wit, the Golden One Credit Union (G1CU),  
4 by means of material false and fraudulent pretenses,  
5 representations, and promises; and (b) to make false statements to  
6 obtain credit from the G1CU, all in violation of Title 18, United  
7 States Code, Sections 371, 1014, and 1344(2).

8 2. The object of the conspiracy was to steal and to use  
9 identification information of others to obtain by fraud credit  
10 union memberships and credit union accounts and to use said credit  
11 union memberships and credit union accounts to fraudulently obtain  
12 G1CU money, to apply for a G1CU line of credit, and to make, or  
13 attempt to make, purchases at various stores and merchants in the  
14 Eastern District of California and elsewhere.

15 3. In furtherance of the conspiracy and to effect the objects  
16 thereof, the following acts, among others, were committed by  
17 defendants NORA ANN SAINZ and RICARDO FLAMINGO SAINZ within the  
18 Eastern District of California and elsewhere:

- 19 A. On or before January 18, 2002, defendant NORA ANN SAINZ stole  
20 social security number xxx 72 2527 of victim E.L. for the  
defendants' fraudulent use;
- 21 B. On or about January 18, 2002, defendant NORA ANN SAINZ  
22 provided the stolen social security number of victim E.L. to  
23 the G1CU, located in Sacramento, California, to obtain by  
24 fraud credit union membership account number xxx783, a credit  
union checking account bearing account number xxx6298635, and  
to cause checks to be issued under said account, for the  
defendants' fraudulent use;
- 25 C. On or before April 24, 2005, defendant RICARDO FLAMINGO SAINZ  
26 stole social security number xxx 72 0852 of victim Z.R. for  
the defendants' fraudulent use;
- 27 D. On or before April 24, 2005, defendant RICARDO FLAMINGO SAINZ  
28 stole W-2 information, employment information, and income  
information of victim C.C. for the defendants' fraudulent use;

Case 2:06-cr-00496-EJG Document 1 Filed 12/07/2006 Page 3 of 10

- 1 E. Between on or about April 24, 2005 and April 29, 2005,  
2 defendant RICARDO FLAMINGO SAINZ provided the stolen social  
3 security number of victim Z.R. to the GICU, located in  
4 Sacramento, California, to obtain by fraud credit union  
5 membership account xxx948 and credit union saving account  
6 xxx948-0, for the defendants' fraudulent use;
- 7 F. On about April 24, 2005, on a "Credit Application" defendant  
8 NORA ANN SAINZ falsely certified residence information, debt  
9 information, income information, and falsely certified that  
10 her social security number was xxx 72 2527, all to obtain by  
11 fraud the GICU line of credit;
- 12 G. On or about April 24, 2005, on a "Credit Application"  
13 defendant RICARDO FLAMINGO SAINZ falsely certified residence  
14 information, debt information, employment information, income  
15 information, his date of birth, and he falsely certified that  
16 his social security number was xxx 72 0852, all to obtain by  
17 fraud the GICU line of credit; and
- 18 H. On or about April 29, 2005, the defendants obtained by fraud  
19 from the GICU a line of credit in the amount of \$38,440.24.

20 All in violation of Title 18, United States Code, Sections  
21 371, 1344(2), and 1014.

22 COUNT TWO: [18 U.S.C. § 1014 - Credit Application Fraud]

23 The Grand Jury further charges: T H A T

24 NORA ANN SAINZ, and  
25 RICARDO FLAMINGO SAINZ,

26 defendants herein, from on or before April 24, 2005, and continuing  
27 through April 29, 2005, in the Eastern District of California, did  
28 knowingly make a false statement and report in connection with an  
application for a line of credit from the Golden One Credit Union,  
a credit union whose accounts were then insured by the National  
Credit Union Administration, to wit, the defendants, in applying  
for a vehicle loan in the amount of \$38,440.24, falsely certified  
residence information, debt information, employment information,  
income information, date of birth information, and social security  
number information, to include use of the social security numbers  
of victim E.L. and victim Z.R., to influence the action of the

Case 2:06-cr-00496-EJG Document 1 Filed 12/07/2006 Page 4 of 10

1 credit union, and aided and abetted such, all in violation of Title  
2 18, United States Code, Sections 1014 and 2.

3 COUNTS THREE AND FOUR: [18 U.S.C. § 1344(2) - Bank Fraud and  
4 Attempted Bank Fraud]

5 The Grand Jury further charges: T H A T

6 NORA ANN SAINZ,

7 defendant herein, on or about the dates set forth below, in the  
8 Eastern District of California, did knowingly execute and attempt  
9 to execute a scheme and artifice to obtain the monies, funds,  
10 credits, assets, and other property owned by and under the custody  
11 and control of the Golden One Credit Union, a credit union whose  
12 accounts were then insured by the National Credit Union  
13 Administration, by means of false and fraudulent pretenses and  
14 representations, to wit, by the use of a false social security  
15 number. In executing the scheme to defraud, defendant NORA ANN  
16 SAINZ opened a credit union checking account which caused checks to  
17 be drawn on the credit union, and a credit union line of credit,  
18 with false social security information as set forth below:

Count	Date	Fraudulent Transaction	False I.D. Used
3	01/18/02	OBTAINING G1CU CHECKING ACCOUNT	SSN xxx 72 2527 of victim E.L.
4	04/24/05	OBTAINING G1CU LINE OF CREDIT	SSN xxx 72 2527 of victim E.L.

23 All in violation of Title 18, United States Code, Sections  
24 1344(2) and 2.

25 ///

26 ///

27 ///

28 ///

Case 2:06-cr-00496-EJG Document 1 Filed 12/07/2006 Page 5 of 10

1 COUNTS FIVE AND SIX: [18 U.S.C. § 1344(2) - Bank Fraud and  
2 Attempted Bank Fraud]

3 The Grand Jury further charges: T H A T

4 RICARDO FLAMINGO SAINZ,

5 defendant herein, on or about the dates set forth below, in the  
6 Eastern District of California, did knowingly execute and attempt  
7 to execute a scheme and artifice to obtain the monies, funds,  
8 credits, assets, and other property owned by and under the custody  
9 and control of the Golden One Credit Union, a credit union whose  
10 accounts were then insured by the National Credit Union  
11 Administration, by means of false and fraudulent pretenses and  
12 representations, to wit, by the use of false social security  
13 numbers. In executing the scheme to defraud, defendant RICARDO  
14 FLAMINGO SAINZ attempted to open a credit union joint account, and  
15 opened a credit union membership, savings account, and line of  
16 credit, with false social security information as set forth below:

Count	Date	Fraudulent Transaction	False I.D. Used
5	08/10/04	ATTEMPTING TO OBTAIN A GICU JOINT ACCOUNT	SSN xxx 13 6677 of victim T.D.
6	04/24/05	OBTAINING GICU MEMBERSHIP, SAVINGS ACCOUNT, AND A LINE OF CREDIT	SSN xxx 72 0852 of victim Z.R. and employee number xxx15081905 of victim C.C.

22 All in violation of Title 18, United States Code, Sections  
23 1344(2) and 2.

24 COUNTS SEVEN AND EIGHT: [18 U.S.C. § 1028A(a)(1) - Aggravated  
25 Identity Theft]

26 The Grand Jury further charges: T H A T

27 NORA ANN SAINZ,

28 defendant herein, on or about the dates set forth below, in the

Case 2:06-cr-00496-EJG Document 1 Filed 12/07/2006 Page 6 of 10

1 Eastern District of California, did knowingly possess and use,  
2 without lawful authority, a means of identification of another  
3 person, as set forth below, during and in relation to a felony  
4 violation of Federal law pursuant to Chapter 63 of Title 18, United  
5 States Code, to wit, bank fraud and attempted bank fraud in  
6 violation of 18 U.S.C. § 1344(2), as charged in Counts 3 and 4,  
7 incorporated herein by reference:

Count	Date	Fraudulent Transaction	Transferred Means of Identification
7	01/18/02	OBTAINING GICU CHECKING ACCOUNT	SSN xxx 72 2527 of victim E.L.
8	04/24/05	OBTAINING GICU LINE OF CREDIT	SSN xxx 72 2527 of victim E.L.

13 All in violation of Title 18, United States Code, Section  
14 1028A(a)(1).

15 COUNTS NINE AND TEN: [18 U.S.C. § 1028A(a)(1) - Aggravated Identity  
16 Theft]

17 The Grand Jury further charges: T H A T

18 RICARDO FLAMINGO SAINZ,

19 defendant herein, on or about the dates set forth below, in the  
20 Eastern District of California, did knowingly possess and use,  
21 without lawful authority, a means of identification of another  
22 person, as set forth below, during and in relation to a felony  
23 violation of Federal law pursuant to Chapter 63 of Title 18, United  
24 States Code, to wit, bank fraud and attempted bank fraud in  
25 violation of 18 U.S.C. § 1344(2), as charged in Counts 5 and 6,  
26 incorporated herein by reference:

Count	Date	Fraudulent Transaction	Transferred Means of Identification
-------	------	------------------------	-------------------------------------



Case 2:06-cr-00496-EJG Document 1 Filed 12/07/2006 Page 7 of 10

9	08/10/04	ATTEMPTING TO OBTAIN A GICU JOINT ACCOUNT	SSN xxx 13 6677 of victim T.D.
10	04/24/05	OBTAINING GICU LINE OF CREDIT	SSN xxx 72 0852 of victim Z.R. and employee number xxx15081905 of victim C.C.

All in violation of Title 18, United States Code, Section  
1028A(a)(1).

COUNT ELEVEN: [42 U.S.C. § 408(a)(7)(B) - Misuse of Social  
Security Number]

The Grand Jury further charges: T H A T

NORA ANN SAINZ,

defendant herein, on or about January 18, 2002, in the State and  
Eastern District of California, for the purpose of obtaining the  
monies, funds, credits, assets, and other property owned by and  
under the custody and control of the Golden One Credit Union, to  
which she was not entitled, and with intent to deceive, did falsely  
represent a number to be the social security account number  
assigned to her by the Commissioner of Social Security, when in  
fact such number was not the social security account number  
assigned to her by the Commissioner. Specifically, the defendant  
falsely represented to GICU that her social security number was xxx  
72 2527, to obtain a membership, a checking account and checks, a  
joint account, and a line of credit, when she knew her true social  
security number was another number.

All in violation of Title 42, United States Code, Section  
408(a)(7)(B).

///

///

Case 2:06-cr-00496-EJG Document 1 Filed 12/07/2006 Page 8 of 10

1 COUNTS TWELVE AND THIRTEEN: [42 U.S.C. § 408(a)(7)(B) - Misuse of  
2 a Social Security Number]

3 The Grand Jury further charges: T H A T

4 RICARDO FLAMINGO SAINZ,

5 defendant herein, on or about each date set forth below, in the  
6 State and Eastern District of California, for the purpose of  
7 obtaining the monies, funds, credits, assets, and other property  
8 owned by and under the custody and control of the Golden One Credit  
9 Union, to which he was not entitled, and with intent to deceive,  
10 did falsely represent numbers to be the social security account  
11 number assigned to him by the Commissioner of Social Security, as  
12 set forth below, when in fact the number was not the social  
13 security account number assigned to him by the Commissioner.  
14 Specifically, as set forth below, the defendant falsely represented  
15 to GICU that his social security number was the numbers set forth  
16 below, to obtain a credit union membership account, a credit union  
17 savings account, a credit union joint account, and a credit union  
18 line of credit, when he knew his true social security number was  
19 another number.

Count	Date	Financial Institution and Account Number	SSA Number
12	08/10/04	GICU Account No. xxx783	xxx 13 6677
13	04/24/05	GICU Account No. xxx946	xxx 72 0652

24 All in violation of Title 42, United States Code, Section  
25 408(a)(7)(B).

26 A TRUE BILL

27 **/s/ [Signature] WAUSA**

28 FOREPERSON

29 **McGREGOR W. SCOTT**  
United States Attorney